

HISTORIC PRESERVATION COMMISSION

Minutes

January 12, 2006
Salisbury, North Carolina

The Historic Preservation Commission for the city of Salisbury met in regular session on Thursday, January 12, 2006, in the Council Chambers at the City Hall, 217 S. Main St.

The meeting was called to order by the Chairman, Michael Young.

In addition to Mr. Young, the following members were present: Raemi Evans, Ronald Fleming, Susan Hurt, Anne Lyles, Jeff Sowers, Kathy Walters and Wayne Whitman.

Absent: Mike Fuller

Michael Young welcomed all persons present. He read the purpose and procedure for the meeting.

Request for Certificates of Appropriateness

H-57-05 **424 W. Horah St.** - James David & Elizabeth Willingham, owner –
Certificate of Appropriateness to trim dead limbs off of front maple trees; limbs are less than 10 inches in diameter, tree truck is 28 inches

James Willingham was sworn to give testimony for the request.

From the slides presented by staff, Mr. Willingham pointed out the main limb extending out to the right of the maple tree and said, “the limb is dead - all the way dead.” He said if it were to fall it would hit the right edge of the porch as well as the car. In addition, he continued, there are several other smaller dead limbs that also need to be trimmed. They, too, were pointed out on the slide.

In response to a question from Kathy Walters, Mr. Willingham said he would hire a professional to do the work.

Michael Young read as follows from the landscape guidelines: *Pruning of large, mature trees that call for the employment of a tree service also requires a certificate of appropriateness. Pruning techniques that promote the health and natural growth of the tree are encouraged. Unnatural pruning techniques such as topping, stubbing, dehorning, or lopping are not appropriate. Tree pruning should follow accepted industry standards for arborists. (ANSI 300A Standards).*

Michael Young stated that as long as arborist standards are followed in trimming the trees, there should be no problem.

There was no one present to speak in support or opposition to the request.

Ronald Fleming made the following motion: “I move that the Commission find the following facts concerning Application #H-57-05, that James David Willingham, owner of 424 W. Horah St., appeared before the Commission and sought a Certificate of Appropriateness to trim dead limbs off front Maple tree; limbs are less than 10” in diameter, tree trunk is 28”; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features and District Setting – Landscaping, pages 60-61, guideline 5 of the Residential Historic District Design Guidelines; mitigating factors: the limbs were leafless during the past summer, and he will hire a qualified arborist to perform the trimming of dead limbs; therefore, I further move that a Certificate of Appropriateness for Application #H-57-05 be granted to James David Willingham and Elizabeth Willingham, owners of 424 W. Horah St., to make the changes detailed in the application.”

Wayne Whitman seconded the motion; all members present voted AYE.

H-01-06 220 S. Church St. – Bellsouth Telecommunications, owner – Certificate of Appropriateness for installation of metal coping cap at parapet of office roof – proposed coping to match existing coping on 2-story portion of building; also, installation of overflow scuppers to meet code

Keith Davis was sworn in as agent for Bellsouth.

Staff presented slides.

Mr. Davis informed the Commission that the 1-story section of the Bellsouth building currently has active leaks and is in need of re-roofing. He said the joints between the coping cap, a pre-cast unit, have split, contributing to the leaks inside the building. A White metal coping cap will be installed around the perimeter edge to match the cap on the existing 2-story section of the roof, which was re-roofed several years ago.

Mr. Davis testified that overflow scuppers will be installed on the back side of the building facing the gated parking lot. He informed the Commission that there is one existing, and 5 more will be installed to meet code requirements for drainage capacity.

In response to a question from Michael Young, Mr. Davis said from the information he was given, the building was built around 1958.

Janet Gapen, in explaining why the building is listed as “contributing” to the district, stated that sometimes the older maps can be difficult to discern, especially so if they were hand drawn. She said that though the map was coded as contributing it could have been that the quality of the map was not good.

There was no one present to speak in support or opposition to the request.

Jeff Sowers made the motion as follows: “I move that the Commission find the following facts concerning Application #H-02-06 – that Keith Davis, agent for Bellsouth Communications, owner of 220 S. Church St., appeared before the Commission and sought a Certificate of Appropriateness to install metal coping cap at the parapet of the office, the coping will match the existing coping on a 2-story portion of the building; also, install overflow scuppers to meet code; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 – Architectural Details and Ornamentation, page 29, guidelines 1-4 of the Non-residential Historic District Design Guideline; therefore, I move that a Certificate of Appropriateness for Application #H-01-06 be granted to Keith Davis, agent of Bellsouth Telecommunications, owner of 220 S. Church St., to make the changes detailed in the application.”

Anne Lyles seconded the motion; all members present voted AYE.

H-02-06 **1325 N. Main St.** – Spencer’s, Inc. and Larry Correll, owner – Certificate of Appropriateness to (1) replace one of the five 8’ x 9’ garage doors on the metal building with a 12’ x 14’ garage door (in White like the other doors) (2) fence around property (3) dumpster area with wooden fence

Jerry Davis, agent for Larry Correll, was sworn to give testimony for the requests.

Commission member Susan Hurt was excused from her seat for the hearing of this request.

Staff presented slides as Mr. Davis testified that the size of one of the building’s garage doors needed to be increased in order to have access to drive into the building. He testified that the new door would have the same basic elements as the other doors.

In response to a question from Kathy Walters, Mr. Davis said the building was constructed in 1999.

From the slides, Mr. Davis pointed out the location for the dumpster which will be placed around the corner on the left side of the building. The dumpster will be enclosed within a stockade type fence that will be totally enclosed on 2 sides, and will not be visible from the street. Kathy Walters stated that since the fence won’t be visible from the street, it would not need to be painted or stained.

He further testified that a chain link security fence will be installed and attached to the existing fence with 2 gates in order to enclose the entire property.

There was no one present to speak in support or opposition to the request.

Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-02-06 – that Carolina Roofing, Inc., represented by Jerry Davis, realtor and agent for Larry Correll and Spencer’s, Inc., owners of 1325 N. Main Street, appeared before the Commission and sought a Certificate of Appropriateness to replace one of five 8’x9’ garage doors on the metal building with a 12’x14’ White garage door, fence around the property, and install a dumpster area within a wooden fence; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2.4.2 – Changes to Buildings – Windows & Doors, pages 30-31, guidelines 1-4 of the Non-Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-02-06 be granted to Carolina Roofing, Inc., represented by Jerry Davis, realtor and agent for Larry Correll and Spencer’s, Inc., owners of 1325 N. Main St., to make the changes detailed in the application.”

Ron Fleming seconded the motion; all members present voted AYE.

Commission to hear update regarding #H-02-05: 117, 119, 121 W. Fisher St. – First United Methodist Church, owner

Janet Gapen began by presenting the following facts concerning the property:

Significance

The buildings, built in 1900-1910, are turn-of-the-century architecture and considered contributing structures in the Salisbury Historic District, listed in the National Register in October 1975, they are included in the Downtown Historic District, which is a local historic district overlay adopted in 2001.

Architecture

The buildings are examples of 20th century commercial architecture with cast iron storefronts, and decorative brickwork. There is a possibility that brick patterns, with various colors of brick, would be found underneath the painted coating if removed. Hand hewn native granite details are also found on the buildings.

Uses

City Hall, Carolina Marble, and Holmes and Overman Buggy Co. each occupied the buildings at one time.

Street Façade

The buildings are very relevant to the street façade in that they define the block face on W. Fisher Street in a manner that is consistent with architecture of their time and consistent with the type of building pattern that is found in a downtown commercial area.

Janet Gapen informed the body that the Commission is appointed by City Council and authorized to interpret design guidelines on a case by case basis.

Demolitions in Local Districts

By state law, the Commission is not allowed to deny certificates of appropriateness for demolition in the local districts. The Commission is only allowed to delay demolition for up to 1 year. They have the leeway to propose, waive or reduce a delay period.

In the case of the church, the Commission imposed the maximum delay period of 1 year because the Commission felt that the buildings were significant and warranted the full extent of protection allowed by law.

She further stated that there have been no plans brought before the Commission for preview for a certificate of appropriateness. The certificate issued for the demolition was only for the demolition.

Time Line

1/13/05	Case first heard by the Commission, and tabled to the next meeting.
2/10/05	Certificate of Appropriateness issued with 365-day delay period (made retroactive to 1/13/05).
3/10/05	Commission formed committee to plan a course of action for ways to meet Commission's guidelines and to make sure the public was fully aware of the proposal.
5/19/05	Church's building committee met with the Design Review Advisory Committee (DRAC). DRAC is a group of local design professionals, who are not members of the Commission, but meet with applicants concerning new construction or additions to provide advice to the applicant.
7/14/05	Historic Salisbury Foundation met with the Commission to provide update on their efforts concerning the case.
8/10/05 – 8/25/05 – 9/09/05	Committee meetings held to prepare and determine a course of action for scheduling additional public hearings to make sure the community was fully aware.
9/19/05	Committee held a call meeting.
10/13/05	Commission adopted resolution to seek new legislation: Since Historic Preservation Commissions in the state of NC are not granted authority to deny demolition, there have been cities that have taken steps to have powers granted to the City Council allowing them to regulate demolition in historic districts; the city of Statesville pursued and was granted such legislation last June. The Commission decided to follow the same course of action.
11/15/05	The resolution was brought before the City Council and the City Council voiced support for new legislation.
12/12/05	Public meeting held at First United Methodist Church.
12/20/05	Commission's committee meeting held.
01/12/06	Commission meeting held.

1/13/06	Expiration date of the delay period. The Certificate of Appropriateness issued will become effective.
1/17/06	The City Council will consider a resolution to pursue the new legislation for the city of Salisbury, and will receive information concerning temporary restrictions on future demolition permits for a temporary period of time until the legislation can be reviewed by the General Assembly.
2/07/06	City Council will consider temporary restrictions on future demolitions.
6/06/06	The certificate of appropriateness will expire. The certificate may be renewed for an additional 6-month period without further review.
1/07/07	The certificate of appropriateness, if renewed, will expire.

Janet Gapen ended her presentation. There were no questions from the Commission.

Michael Young called Jeff Youngblood, of the Salisbury Fire Department, and the city's Housing Inspector for testimony.

Janet Gapen stated that Jeff Youngblood would handle the permit process for demolition, which he would explain.

Jeff Youngblood was sworn in by the Chairman to give testimony.

Mr. Youngblood testified that on November 15th the demolition application was filled out for the church prior to the council meeting on that day. He said they were informed that he could not review the application until he received the certificate of appropriateness from the Commission; after which he could proceed with the process for demolition. The process includes notifying all the adjoining property owners, and posting the building for a public hearing. In the public hearing, Mr. Youngblood said his job was basically to settle any legal disputes. He said he would need to make sure that there is no reason that the demolition should not proceed. He also approves the contractor, making sure they are licensed, bonded, and capable of doing the job. Mr. Youngblood stated that the hearing would not be of the type where persons come in to speak in support or opposition. The entire process would take about 15 days; then the permit could be issued. They would be allowed 180 days to complete the demolition.

There were no questions for Mr. Youngblood.

Andrew Pitner, 320 Mitchell Ave., was sworn to speak.

Mr. Pitner stated that he is a member of the coalition formed to help save W. Fisher St., and the vice-president of the Fulton Heights Neighborhood Association.

Mr. Pitner presented incentives that he said may help the church come up with some alternatives that might help them to preserve the buildings for their use. He testified that the coalition is willing to fund the items as a good faith effort to try to help the church identify some feasible alternatives that include saving the W. Fisher streetscape.

In a slide presentation, he presented the following incentives:

1. To engage an independent architect to help the church to try to develop some alternatives; this would include saving the historic structures.
2. To provide some type of professional guidance to the church, especially in pursuing state and federal tax credits.
3. To engage a local architect to help provide restoration consulting and help the church come up with plans that would be approvable while still saving the buildings.
4. To seek local trades-people to give reasonable quote estimates for the restoration would cost.

Mr. Pitner gave the following information concerning tax credits: A non-profit in and beyond itself is not allowed to pursue tax credits; however, a non-profit can partner with another company which may be a developer or someone who is leasing from a non-profit, and make efforts to restore the building and that group could pursue the tax credits. Thereby, the tax credits could be transferred down the line to whoever is occupying the building.

In response to a question from Susan Hurt, Mr. Pitner stated that the incentives had not been spoken of publicly before doing so at the present meeting.

Jack Thomson, Director, Historic Salisbury Foundation, was sworn to give testimony for the request.

Mr. Thomson began by informing persons present of a website put together by the coalition. The address is: [www.save historic salisbury.org](http://www.savehistoric Salisbury.org). He gave information as to what can be found on the site which includes links to other websites that will have information pertaining to the issue.

Mr. Thomson informed the body that he brought to the meeting copies of Chapter 3 from the Non-Residential Design Guidelines which deals specifically with new construction in historic districts and will illustrate the guidelines that will be used in reviewing new construction projects in the historic district.

Michael Young then opened the floor for anyone who desired to speak in favor or opposition of the proposed demolition.

There was no one present to speak either in favor or opposition to the issue.

Michael Young closed the public hearing.

Commission member Anne Lyles asked if there had been any offers for purchase of the buildings.

Dave Collins stated that there is an offer being considered by the church at the present time.

Michael Young gave the closing statement.

Committee Reports

Minor works

There were no questions of the submitted minor works listing.

Other Business

FY 2006-2007 Goals

Janet Gapen informed the Commission that the goals will go to the City Council at their meeting on January 17th.

Kathy Walters made the motion to approve the goals as presented. Anne Lyles seconded the motion; all members present voted AYE.

Minor Works Review Committee

Janet Gapen reminded the Commission that the committee members are Kathy Walters and Wayne Whitman. She stated that she and Wendy Spry have met and discussed some proposed additions to minor works so that the committee would have something to start with.

Kathy Walters mentioned that tree trimming should fall under minor works because staff is so heavily relied on with those requests. She said people would probably be more inclined to go through the process if it was an easier process. Commission members agreed.

The committee scheduled their first meeting for February 2nd at 2:30 p.m.

Guidelines for Public Art

The committee members are Michael Young and Jeff Sowers.

Janet Gapen said she has had a hard time finding other cities that have guidelines for public art. She recommended that the guidelines not deal with content of art but primarily placement. The committee agreed that Lynn Raker would be a good contact person for insight.

A meeting will be scheduled for early February.

Kathy Walters commended Janet Gapen for the 1st edition of the Commission's newsletter – *Preservation Link*, mailed out in January. She said she had heard very favorable comments from others as well. Commission members joined in with the accolades to Janet.

Jeff Sowers commended Michael Young for the closing remarks he gave at the end of the public hearing. All members agreed.

Minutes

The minutes from the December meeting were approved as presented upon a motion by Kathy Walters, seconded by Susan Hurt, and all members voting AYE.

Janet Gapen made the following announcements:

A training workshop/seminar, in conjunction with the City Council's annual retreat, will be held for boards and commissions will be held on Thursday, Feb. 9th; a reception will follow at the Trolley Barn. It was noted that the next commission meeting was on the same date.

A procedural training workshop for Commission members will be held on February 2nd, 3:30-5:30 in the Council Chambers. The class will be taught by Susan Hurt and will focus on procedural matters. She will work with 2 cases that were denied by the Commission and appealed to the Zoning Board of Adjustment.

Janet commented that the Commission is doing an exceptional job in making motions. She thanked Kathy Walters for the template that she took the responsibility of preparing.

Adjournment

Michael Young made the following motion: "I make a motion to recess this meeting to February 2nd at 3:30 in the City Council Chambers. Wayne Whitman seconded the motion; all members present voted AYE.

Michael Young, Chairman

Judy Jordan, Secretary